

**WPA 13184 of 2017**

Biswajit Mitra & ors.  
Vs.  
The State of West Bengal & Ors.

Adv. Debayan Bera,  
Adv. sakti Prasad Chakraborti,  
...for the petitioners.  
Adv. Chandi Charan De,  
Adv. Ram Chandra Guchait,  
...for the State.

Copy of the affidavit in opposition filed on behalf of the State respondents is treated as original and is taken on record.

Affidavit in reply submitted on behalf of the petitioners is also taken on record.

The petitioners claim parity with the writ petitioners in an earlier writ petition being WP 22303 (W) of 2013 who have been granted compensation by the State respondents in compliance with the order of the Court. The petitioners claim to be the recorded owners of the plots in question and submit that for the purpose of construction of Nowai Basin Drainage Scheme, acquisition proceeding was initiated under the Act II of 1948 being L.A.-II/18 of 1967-68 by issuance of notice under Section 3(1) of the Act of 1948. Possession of the property was taken on 15<sup>th</sup> April, 1968 and utilised by the respondents though the acquisition proceeding was not proceeded with any further. The Act of 1948 lapsed in the meantime. The petitioners have prayed for compensation in accordance with the

provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Similarly circumstanced persons filed a writ petition before this court and a coordinate Bench of this Court, by an order passed on 9<sup>th</sup> December, 2014 in a WP No.22303 (W) of 2013 directed the State respondents including the Land Acquisition Collector to assess the current market price and pay the land compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within six months from the date of order. The Court further directed the State authorities to pay rent compensation till fair price compensation was paid to the petitioners, within six months from the date of communication of the order.

It is submitted on behalf of the State respondents that though the said order was carried in appeal by the State respondents, compensation has been paid to the petitioners therein in the contempt application filed by the petitioners.

In view of the admitted fact that the present writ petitioners are similarly circumstanced with the writ petitioners of the earlier writ petition and also since the State respondents, in the contempt application, disclosed a list of persons entitled to compensation which includes the names of the petitioners herein, the present petitioners are entitled to the same relief as granted to the petitioners in the earlier writ petition.

In view of the above, the writ petition is disposed of directing the 3<sup>rd</sup> respondent to pay compensation to the petitioners in terms of the assessment made by the authority and submitted before the Court in the contempt application, within two months from the date of communication of this order.

With the aforesaid directions, WPA 13184 of 2017 is disposed of. There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

**(Suvra Ghosh, J.)**